

No. 2 Dec. Sessions, 190

COMMONWEALTH

VERSUS

Yacht & Supply  
Public Road in  
Sandy Twp.

R.L. #4 - Page 507

Charge

North end - Rt. 17350

WILLIAM I. SWOOP,  
DISTRICT ATTORNEY.

↓

CREEK 3020 Start Clif. Co. Gifd. Co.  
Jeff. Co. Stop

5

Clif. Co. Sandy Twp.  
Conf. Absol. Feb. 1906.  
33' 6" -- 15 ft.

Beginning at the Falls Creek to  
Dubois Road - starting at a point  
1460 t. from the bridge over Slab  
Run running under coal tipple of  
the Falls Creek Coal Co.,

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*F.W.Curtis investigated & reports  
North end - R.R. 17350*

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 14 day of Sept., A. D. 1905, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Sandy, in said county, setting forth that

in pursuance of proceedings had in this Court at No. 4 February sess 1894, a Public Road was laid out and opened, and is now in use in the said Sandy Twp from a point on the Jefferson C. line in the Town of Falls Creek along the Northerly side of the Allegheny Valley Railroad and running thence by various courses and distances approximately parallel with said railroad to a point on the bank of Clear Run, in the Western boundary line of the Borough of S. B. and near the village of Minerd that a portion of said, to wit: that portion thereof lying between a point about 100 ft. E. of Slab Run and a point about 100 ft. N. from the first run or brook crossing said public road, at a distance of about 1800 feet East of Slab Run (and which said brook is located in the first ravine East of the Coal Mine now operated by the Falls Creek Coal Co.) is ~~dangerous and inconvenient~~ and therefore praying the Court to appoint proper persons to view Vacate and Supply the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint C. B. Alexander, Leander Denning, and W. J. Stoffer who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to View Vacate and Supply the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose land said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated land through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

Roll B. Thompson  
Clerk.

## RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the ..... at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said ..... all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this ..... day of .....  
A. D. 190.....

Seal

Seal

Seal

Seal

## ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To ..... the sum of .....

To ..... the sum of .....

To ..... the sum of .....

Witness our hands this ..... day of ..... A. D. 190 .....

No damage allowed

# ROAD VIEWERS' NOTICE

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NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~to vacate~~ <sup>Supply</sup> public Road leading from a point about 100 ft. E. of Slab Run

in Sandy Township, to a point about 100 ft. W. from the first Run or Brook crossing said public road at a distance of about 180 ft. east of Slab Run (and which said Brook is located in the first ravine east of the Coal Mines now operated by the Falls Creek Coal Co.) in Sandy Township, in the county aforesaid, will meet at the house of Evergreen Hotel, in Sandy Township, on Tuesday, the 10 day of October A. D. 1905, at 1:30 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

L. Denning

W. J. Hoffer

Viewers.

Oct. 4, 1905.

Service accepted

Oct 4, 1906

H. H. Danner

ccr

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view <sup>the</sup> ~~to vacate~~ <sup>public</sup> ~~of supply~~ Road leading from ~~a point about 100 ft. E. of Slab Run~~

in Sandy Township, to a point about 100 ft. W. from the first Run or Brook crossing said public road at a distance of about 1800 ft. east of Slab Run (and which said Brook is) located in the first ravine east of the Coal Mines now operated by the Falls Creek Coal Co., in Sandy Township, in the county aforesaid, will meet at the house of <sup>Evergreen Hotel</sup> Falls Creek, in Sandy Township, on Tuesday, the 10 day of October A. D. 1905, at 1:30 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

B. B. Alexander

L. Denning

W. J. Hoffer

Viewers.

Oct. 4,

, 1905.

Service Accepted Oct 5-1805.

J. M. Rusinger

T. H. Walburn

Supervisors of  
Sandy Twp.

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~the~~ <sup>vacant</sup> ~~Supply~~ <sup>Public</sup> Road leading from a point about 100 ft E. of Slab Run

in Sandy Township, to a point about 100 ft W. from the first ~~run~~ <sup>cross</sup> ~~on~~ <sup>over</sup> Brook crossing said public road at a distance of about 1800 ft east of Slab Run (and which said Brook is located in the first ravine east of the coal mine now operated by the Falls Creek Coal Co.) in Sandy Township, in the county aforesaid, will meet at the ~~house of~~ <sup>Evergreen Hotel</sup> Falls Creek, in Sandy Township, on Tuesday, the 10 day of October A. D. 1905, at 12 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

L. P. Alexander

L. Denning

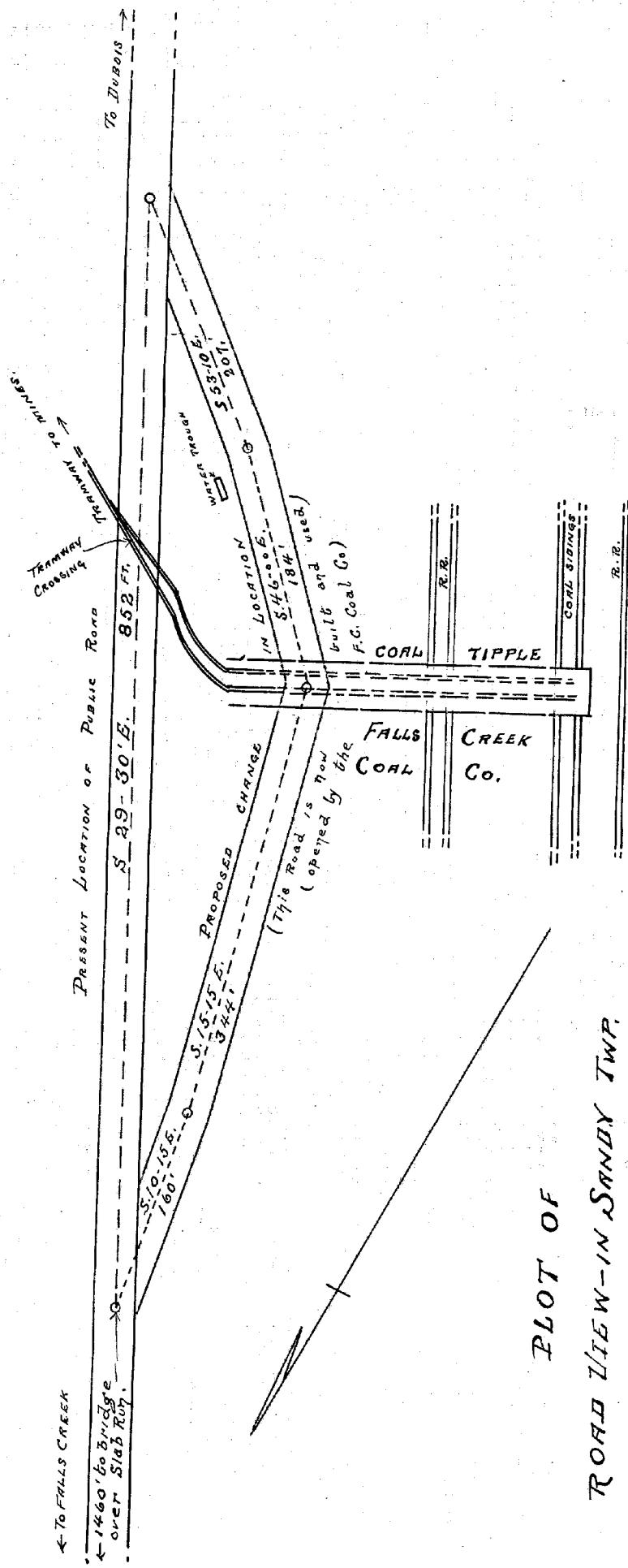
W. J. Hoffman

Viewers.

Oct. 4th.

, 1905.

Service Accepted  
S.C. Hopkins Property Holders  
by Dr. Starnes  
Atty  
Oct 5-1905



PLOT OF

## ROAD REVIEW IN SAVANNAH TWP.

Clearyfield Co. Pa.

Scale 1 in. = 100 ft. Surveyed Oct. 10 '65.

Lievers: { C. B. Alexander.  
L. Hennings.  
W. J. Hoffer

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT  
of quarter sessions of Clearfield County, Pennsylvania.

We the undersigned Viewers for public road herein mentioned, respectfully report that we gave good and lawful notice of said view to the County Commissioners of Clearfield County, to the Supervisors of Sandy Twp., to property holders along route of said view, and notices were posted in vicinity of view all according to law. Copies of notices with signatures are herewith attached.

On Tuesday, October 10th. 1905 your viewers met as appointed and being severally affirmed, proceeded to receive testimony and to view for public road as herein mentioned.

Your viewers have found that the conditions of the crossing of the public road over the Falls Creek Coal Company to be unfavorable to the safe and convenient passage of the travelling public, and that a convenient road of equally good grade under the coal tipple has been substituted by the aforementioned Coal Company. Further Mr. W.J. H. Leahey Agent for Mr. A.C. Hopkins, President of the Falls Creek Coal Co., agreed before your Viewers that should the bents of the coal tipple between which the new road passes be at any time found inconvenient or too narrow for the safe and convenient passage of the travelling public, the Coal Company would agree to widen the bents at this point a reasonable distance, on demand of the Supervisors of Sandy Township. (The present distance between these bents is 14 feet).

Further Mr. Leahey, acting for Mr. Hopkins of the Coal Co. agrees to turn the new road over to Sandy Township without condition other than the vacating of the "old road", the roadway of which is understood to revert to Mr. A.C. Hopkins through whose lands the road passed.

These adjustments being satisfactory to the Supervisors of Sandy Twp., to Mr. Herron, Esq. representing the citizens of Sandy Township, and to Mr. Leahey, Agent for Mr. A.C. Hopkins, your viewers would respectfully recommend that the old road beginning at a point 1460 feet ~~South~~ from the bridge over Slab Run and running thence S. 29-30 E. 852 feet to a point at junction of new road, be vacated, and that new road running under coal tipple beginning at 1st. named point also a junction of the new and old roads and running thence S10-15 E. 160 feet, thence S. 15-15 E 344 feet to a point; thence S. 46-00 E. 184 feet to a point; thence S. 53-10 E. 207 feet to previously named junction point of old road all being 33 feet wide be substituted or supplied,

PROVIDING Mr. A.C. Hopkins or said Falls Creek Coal Co. will waive all claims for cost for building said new road and widening tipple bents if necessary and furnish gratis the necessary 33 feet of roadway required for the said new road as promised and agreed, the vacated strip of roadway to revert to Mr. A.C. Hopkins the original owner.

A plot of these roads is hereto attached and made a part of this report.

WITNESS our hands this 27 day of October A.D. 1905.

C. B. Alexander.

VIEWERS.

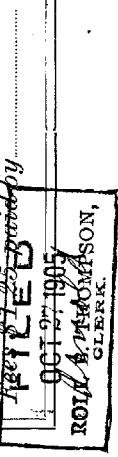
W. J. Heoffer  
L. H. Manning

NOTE:—In case of a private road, the release must be executed in favor of the petitioner for said road.  
 Also—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.  
 Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.  
 N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

AMOUNT.  
 Days 16.  
 Miles 3.30

Days 2.  
 Miles 3.3

Filed 190



No 2 Dec. Sessions, 1905  
 ORDER  
 To view Yacot Shyfty, a  
 road for public use in the  
 township of Janby,  
 Clearfield County

52c Sessions, 1905;  
 read and confirmed Ni. Si.  
 Road to be opened 33 feet  
 wide, except where there is  
 side hill cutting or embank-  
 ment and bridging, there to  
 be 16 feet wide.

By the court  
 Wilson G. Smith  
 Oct 9, 1905 confirmed P.D.  
 absolutely by the court  
 Wilson G. Smith.

Mr. W. H. Walburn,

Sandy Township, Clearfield Co., Pa.,  
September 6, 1905.

Supervisor of Sandy Township:

You are hereby notified that on Thursday, September 14th, at 9 A. M., a petition will be presented to the Court of Quarters Sessions of Clearfield County, Pa., asking for the appointment of Viewers to vacate and supply a portion of the road leading from Dalls Creek to DuBois, and being the Northern road between the said towns.

McDonald  
Attorney for Petitioners.

Clearfield County, SS:

Personally appeared before me, W. J. Leahy, who being duly sworn according to law says he served a true copy of the above notice and made known the contents thereof to W. H. Walburn Supervisor of Sandy township, Clearfield County, Pa., on Sep 8-1905.

Sworn and subscribed to )  
before me, Sept. 8<sup>th</sup> 1905. ) W J Leahy

W. J. Leahy

Sandy Township, Clearfield Co., Pa.

September 6, 1905

Mr. -

*J. M. Reisinger*

Supervisor of Sandy township:

You are hereby notified that on Thursday, September 14th, at 9 A. M., a petition will be presented to the Court of Quarter Sessions of Clearfield County, Pa., asking for the appointment of Viewers to vacate and supply a portion of the road leading from Falls Creek to DuBois, and being the Northern road between the said towns.

*McDonald*

Attorney for Petitioners.

Clearfield County, SS:

Personally appeared before me, W. J. Leahy, who being duly sworn according to law says he served a true copy of the above notice and made known the contents thereof to *J. M. Reisinger*, Supervisor of Sandy township, Clearfield County, Pa., *on Sept. 9, 1905.*

Sworn and subscribed to  
before me, Sept. 9, 1905.

*W. J. Leahy*

*W. J. Leahy*

IN THE COURT OF QUARTER SESSIONS  
OF THE COUNTY OF CLEARFIELD.

PETITION.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned inhabitants of and property-holders in the Township of Sandy, in the County of Clearfield, respectfully represents:

That, in pursuance of proceedings had in this court at No. 4 February Sessions, 1894, a public road was laid out, opened, and is now in use in the Township of Sandy and County of Clearfield, from a point on the Jefferson County line in the Town of Falls Creek, on the northerly side of the Allegheny Valley Railroad, and running thence, by various courses and distances, approximately parallel with said railroad, to a point on the bank of Clear Run, in the western boundary line of the Borough of DuBois, and near the Hildrapp Mine, and that a portion of said road, to wit: -that portion thereof lying between a point about one hundred (100) feet east of Slab Run and a point about one hundred (100) feet west from the first run, or brook, crossing said public road, at a distance of about eighteen hundred (1800) feet east of Slab Run, (and which said brook is located in the first ravine east of the coal mine now operated by the Falls Creek Coal Company,) is burdensome and inconvenient, for the reason that the grades upon the portion

of the said road above described are heavy and excessive, and for the further reason that a coal mine is now being operated on the northern side of said road, and the coal is being taken out therefrom, and hauled and carried across said road at grade, in order that the same may be shipped by railroad.

Your petitioners further represent that better grades and location for said public road may be had, if the portion thereof between the points above described were changed, and located at the base of the hill, parallel with the northern boundary line of the right of way of the Allegheny Valley Railroad; and, that, if the said public road be so changed in location, the crossing thereof at grade, in transporting the coal from the mines adjacent to said road, to points of shipment on the railroads, may be avoided.

And the owners of the adjoining premises have agreed to waive all claim for damages, in case the location of the portion of the road above described be changed as above set forth.

Your petitioner, therefore, pray the court that the location of the portion of the said road between the points above described be changed in the manner as hereinabove set forth, and that the portion of the present road so changed and supplied, shall be vacated, and that the court shall appoint viewers, and make such further orders in the premises as it shall deem proper.

And your petitioners will ever etc.

Names	Names
D. F. Swab	J. B. Nester
W. R. Schaffner	S. B. Shaffer
J. C. Steamer	J. A. Fiskings
Jno H. Park	W. W. Britton
	William Collins
J. T. Gray	Thos. DeGraw
<del>J. M. Chiomitti</del>	R. W. Gerrard
Fred Farber.	A. J. Murray
Wm Shealey.	N. C. King
Wm D. Coey	Robert Minns
Wm Minns	Thos. D. Thomas
George Minns Jr.	D. Boland

We, the undersigned owners of all the land upon which the portion of the road herein described is located, as well as the land upon which it is proposed said public road as changed shall be located, desire to have the change in location made, and the portion of the present road vacated, in accordance with the foregoing petition, and we hereby, in consideration of One Dollar unto each of us paid, the receipt of which is hereby acknowledged, waive and release all right and claim to damages in case the same shall be done.

WITNESS our hands and seals this 28th day of June,  
A. D. 1905.

Witnesses:

JASheffer

A.C.Hopkins (SEAL)

J.Whickey

Charles H. McKee (SEAL)

No. ~~1905~~ Sessions, 1905.  
No. 2 Dec. 1905

In re Petition to Vacate and  
Supply a Public Road in Sandy

TOWNSHIP

PENTRATION.

Geo. C. Hender-  
son, et al., et al.,  
Rec'd in Bureau.

Read new draft, 1905  
Berlin and a conference  
and G. V. M. W. and  
G. L. and Dr. D. and  
Mr. J. H. H. and  
and an appointed receiver  
to assist to read him

ROLL B. THOMPSON,  
Sergeant

Mr. Prentiss  
215 San Roque.